



Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: DWECK et al.

Application No.: 10/084,824

Filing Date: 2/26/2002

For: SYSTEMS AND METHODS FOR
FACILITATING ACCESS TO
DOCUMENTS VIA AN
ENTITLEMENT RULE

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) Group Art Unit: 2161

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) Examiner: Brian Goddard

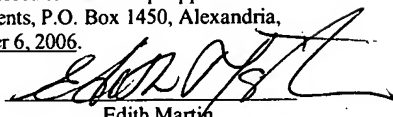
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) **APPEAL BRIEF**

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) Attorney Docket No.: G08.012

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 6, 2006.

Dated: November 6, 2006 By: 

Edith Martin

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants hereby submit an appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action mailed May 1, 2006 (the "Final Office Action") rejecting claims 1-3, 8-26, and 28-31.

11/13/2006 TBESHAH1 00000042 10084824

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REAL PARTY IN INTEREST

The present application is assigned to GOLDMAN, SACHS & CO., 85 Broad Street, New York, New York 10004, U.S.A.

RELATED APPEALS AND INTERFERENCES

No other appeals or interferences are known to Appellants or Appellants' legal representative which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 4-7, 27, and 32-35 have been canceled.

Claims 1-3, 8-26, and 28-31 stand rejected and are being appealed.

STATUS OF AMENDMENTS

No amendments have been filed subsequent to the Final Office Action.

SUMMARY OF THE CLAIMED SUBJECT MATTER

Claim 1

In certain environments, such as the financial industry, it may be helpful to limit a user's ability to access and/or modify particular documents. Moreover, systems may be provided to help a user find and access documents in accordance with such limits.

In particular, claim 1 recites “receiving information associated with a financial document” and “determining a document tag associated with the financial document based on the received information.” For example, a content controller 900 may determine document tags (e.g., associated with a hierarchy as illustrated in FIG. 3) based on information received via a graphical user interface (e.g., such as the one illustrated in FIG. 4). Specification, page 14, lines 19 to 23.

Claim 1 further recites “automatically analyzing financial content of the financial document to determine an appropriate entitlement rule.” For example, a content controller 900 may automatically assign an entitlement rule to a document as appropriate. Specification, page 15, line 27 to page 16, line 2. The entitlement rule includes “(i) an entitlement subject associated with a group of content readers, (ii) an entitlement resource associated with at least one financial document, and (iii) an entitlement action associated with the entitlement subject and the entitlement resource.” An example of a database 1200 storing entitlement rules is illustrated in FIG. 12 of the present application.

Before a content selection tag associated with a requesting content reader is determined, claim 1 recites “evaluating the entitlement rule in connection with a plurality of content readers to generate an entitlement vector that indicates which of the content readers will be able to access information associated with the financial document.” Specification, page 24, lines 15 to 26. Such an approach may let the controller 900 facilitate access to documents in an efficient and scalable way.

The content selection tag associated with the requesting content reader may then be determined (e.g., when a user initiates a document search) and it may then be “arrang[ed] for the requesting content reader to receive information associated with the financial document based on the entitlement vector and a bit vector representing at least one of: (i) the document tag and a plurality of content selection tag sets, or (ii) a content selection tag set and a plurality of document tags.” Specification, page 24, lines 15 to 26.

Claim 28

Claim 28 is directed to an apparatus and includes limitations similar to those described above with respect to claim 1. Claim 28 further recites that “an entitlement vector compris[es] a

series of values that indicate which of the content readers will be able to access information associated with the financial document.” For example, the entitlement vector might comprise a bit vector, wherein each bit in a series of bits indicates whether or not a particular content reader will be able to access information associated with the financial document. Specification, page 24, lines 15 to 26.

Claim 31

Claim 31 is directed to a medium and includes limitations similar to those described above with respect to claim 1. Specification, page 17, lines 20 to 26.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-3, 8-23, 25-26, and 28-31 are rejected under 35 USC 103 as being unpatentable over U.S. Patent No. 6,336,094 issued to Ferguson et al. (hereafter Ferguson) in view of the publication, “Design and Implementation of an Access Control Processor for XML Documents,” by Damiani et al., published by Computer Networks, June 2000 (hereafter Damiani), in further view of U.S. Patent No. 6,735,585 issued to Black et al. (hereafter Black), and in further view of Fourth Edition of the Microsoft Computer Dictionary (hereafter MS Dictionary).

Claim 24 stands rejected under 35 USC 103 as being unpatentable over Ferguson in view of Damiani, in further view of Black, in further view of MS Dictionary, and in further view of “RIXML Specification User’s Guide and Data Dictionary Report,” published by RIXML, June 2001 (hereafter RIXML).

ARGUMENT

Claims 1-3, 8-23, 25-26, and 28-31 are rejected under 35 USC 103 as being unpatentable over Ferguson in view of Damiani in further view of Black and in further view of MS Dictionary

Claim 1 recites “automatically analyzing financial content ... to determine an appropriate entitlement rule.”

Ferguson discloses that a system may scan financial content to locate tables within a document. Ferguson at col. 4, lines 27 to 48.

Damiani discloses that Document Object Model (DOM) security information in an XML document may be automatically analyzed and then used to facilitate a presentation of the XML document to a user in accordance with the security information. For example, items within an XML document such as “SecureDocument” and “SecureElement” may be located and used to facilitate a presentation of information to a user. Damiani, page 11, section immediately prior to “5.2 Execution Phases.”

Thus, neither Ferguson nor Damiani disclose “automatically analyzing financial content ... to determine an appropriate entitlement rule” as recited in claim 1. As a result, Appellants respectfully request that the final rejection of claim 1 be reversed.

In addition, nothing in Ferguson nor Damiani suggests the invention recited in claim 1. In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. See In re Rijckaert, 9 F.3d 1531,1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). A *prima facie* case of obviousness is established by presenting evidence that would have led one of ordinary skill in the art to arrive at the claimed invention. See In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d1596, 1598 (Fed. Cir. 1988). Evidence of a suggestion, teaching, or motivation to modify a reference may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved, see Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc., 75 F.3d 1568, 1573, 37 USPQ2d1626, 1630 (Fed. Cir. 1996), although “the suggestion more often comes from the teachings of the pertinent references,” In re Rouffet, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1456 (Fed. Cir.1998). The range of sources available, however, does not diminish the requirement for actual evidence. That is, the showing must be clear and particular. See, e.g., C.R.Bard Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir.1998), cert. denied, 119 S. Ct. 1804 (1999). A broad conclusory statement regarding the obviousness of modifying a reference, standing alone, is not evidence. Thus, when an Examiner relies on general knowledge to negate patentability, that knowledge must be articulated and placed on the record. See In re Lee, 277 F.3d 1338, 1342-45,61 USPQ2d 1430, 1433-35 (Fed. Cir. 2002).

According to the Final Office, it would have been obvious to modify the system of Ferguson based on the teachings of Damiani as follows:

The motivation to combine is suggested by Damiani which discloses that application of the XAS infrastructure ... provides a particularly “simple and effective way” to provide access control to documents....

(Final Office Action, middle of page 6). Appellants respectfully disagree that such reasoning supports modification of Ferguson to produce the invention as claimed in claim 1. That is, there is no convincing argument that would lead to the conclusion that one of ordinary skill in the art would have been motivated to modify either reference in the ways suggested by the Examiner.

The teaching or suggestion to make the claimed combination must be found in the prior art, and not based on the Appellants’ disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). The fact that references can potentially be modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP 2143.01; In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990); Monarch Knitting Machinery Corp. v. Sulzer Morat GmbH, 45 USPQ 2d 1977, 1981-82 (Fed. Cir. 1998) (the question to be asked is “whether the prior art contains a suggestion or motivation to combine references”).

The absence of any motivation in the prior art (and the lack of a convincing line of reasoning) to modify the references in the ways recited in the pending claims indicates that the Examiner has simply recognized a benefit provided by the present invention, and then used that benefit as a motivation to combine the references – the essence of impermissible hindsight reconstruction.

Because there is no teaching or suggestion to modify the references in this way, a *prima facie* case of obviousness has not been established. The rejection of claim 1 should be reversed.

In addition, claim 1 recites “arranging for the requesting content reader to receive information associated with the financial document based on the entitlement vector and a bit vector representing at least one of: (i) the document tag and a plurality of content selection tag sets, or (ii) a content selection tag set and a plurality of document tags.” According to the Final Office Action, such an element is provided by Black at col. 6, lines 53-58. Appellants respectfully disagree. While Black may teach that bits can be used to represent geographic locations or industry categories, it does not disclose a bit vector “representing at least one of: (i) the document tag and a plurality of content selection tag sets, or (ii) a content selection tag set and a plurality of document tags” as recited in claim 1.

Similarly, the entire discussion in Final Office as to why it would have been obvious to modify the system of Ferguson/Damiani using the teachings of Black is reproduced here for convenience:

The motivation to combine is suggested by Black which discloses:
an enhanced search mechanism to quickly extract financial data,
such as the financial document of the Ferguson and Damiani
combination.

(Final Office Action, bottom of page 6). Again, there is no convincing line of reasoning that would lead to the conclusion that one of ordinary skill in the art would have been motivated to modify either reference to produce a system as recited in claim 1.

Claims 2-3, 8-23, 25-26, and 28-31 depend from claim 1, or recite limitations similar to those discussed above, and Appellants respectfully request reversal of these rejections.

Claim 24 is rejected under 35 USC 103 as being unpatentable over Ferguson in view of Damiani in further view of Black in further view of MS Dictionary and in further view of RIXML

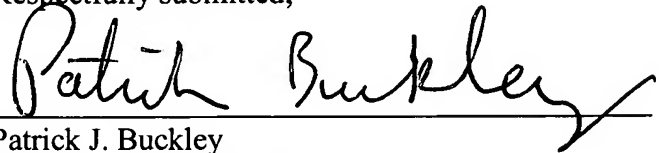
Claim 24 depends from claim 1 and the rejection should be reversed at least for the reasons set forth above with respect to claim 1.

CONCLUSION

Appellants respectfully suggest that rejections of claims 1-3, 8-26, and 28-31 are improper and request that the rejections be reversed. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned.

November 6, 2006
Date

Respectfully submitted,

A handwritten signature in black ink, reading "Patrick Buckley", written over a horizontal line.

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Appendix A - Claims
Appendix B - Evidence
Appendix C - Related Proceedings

APPENDIX A - CLAIMS

This is a complete copy of the claims involved in the appeal:

1. A method of facilitating access to financial documents, comprising:

receiving information associated with a financial document;

determining a document tag associated with the financial document based on the received information;

automatically analyzing financial content of the financial document to determine an appropriate entitlement rule, including; (i) an entitlement subject associated with a group of content readers, (ii) an entitlement resource associated with at least one financial document, and (iii) an entitlement action associated with the entitlement subject and the entitlement resource, wherein the entitlement action indicates whether a content reader associated with the entitlement subject can receive the financial document without being able to modify the financial document;

before a content selection tag associated with a requesting content reader is determined, evaluating the entitlement rule in connection with a plurality of content readers to generate an entitlement vector that indicates which of the content readers will be able to access information associated with the financial document;

determining the content selection tag associated with the requesting content reader; and

arranging for the requesting content reader to receive information associated with the financial document based on the entitlement vector and a bit vector representing at least one of: (i) the document tag and a plurality of content selection tag sets, or (ii) a content selection tag set and a plurality of document tags.

2. The method of claim 1, wherein the entitlement rule includes:

an entitlement subject associated with a group of content readers.

3. The method of claim 1, wherein the entitlement rule includes:
an entitlement resource associated with at least one financial document.
8. The method of claim 1, wherein the entitlement rule is associated with at least one entitlement tag.
9. The method of claim 8, wherein the entitlement tag is associated with at least one entitlement tag domain.
10. The method of claim 9, wherein the entitlement tag domain comprises a single-rooted, hierarchical data structure.
11. The method of claim 9, wherein the entitlement tag domain comprises a multi-level domain, and at least one domain level comprises a plurality of entitlement tags.
12. The method of claim 8, wherein the entitlement tag is associated with at least one of:
(i) a content reader category, (ii) a content reader region, or (iii) a financial document category.
13. The method of claim 1, wherein said arranging comprises transmitting an indication of the financial document to the requesting content reader.
14. The method of claim 1, wherein said arranging comprises transmitting the financial document to the requesting content reader.

15. The method of claim 1, wherein the document tag is determined by retrieving information from a database.

16. The method of claim 1, wherein the document tag is determined by receiving information from a content publisher via a graphical user interface.

17. The method of claim 1, wherein the document tag comprises at least one of: (i) a primary tag, or (ii) a secondary tag.

18. The method of claim 1, wherein the content selection tag is determined by retrieving information from a database.

19. The method of claim 1, wherein content selection tag is determined by receiving information from the requesting content reader via a graphical user interface.

20. The method of claim 1, wherein said arranging is further based on a content reader tag.

21. The method of claim 1, wherein the financial document comprises content to be provided to a requesting content reader device via a communication network.

22. The method of claim 21, wherein the communication network comprises at least one of: (i) the Internet, (ii) an intranet, (iii) a public network, (iv) a public switched telephone network, (v) a proprietary network, (vi) a wireless network, or (vii) a local area network.

23. The method of claim 21, wherein the financial document comprises at least one of:
(i) text content, (ii) image content, (iii) audio content, or (iv) executable content.

24. The method of claim 21, wherein the content comprises at least one of: (i) financial information, (ii) financial news, (iii) information about financial events, (iv) investment information, or (v) market information.

25. The method of claim 1, further comprising:
transmitting the financial document to the requesting content reader.

26. The method of claim 25, wherein said transmitting is performed via at least one of:
(i) a content controller, (ii) a content publisher, (iii) a content reader, (iv) a personal computer, (v) a server, (vi) a portable computing device, (vii) a wireless telephone, (viii) a Web site, or (ix) an electronic mail message.

28. An apparatus, comprising:
a processor; and
a storage device in communication with said processor and storing instructions adapted to be executed by said processor to:

receive information associated with a financial document;

determine a document tag associated with the financial document based on the received information;

automatically analyze financial content of the financial document to determine an appropriate entitlement rule, including: (i) an entitlement subject associated with a group of content readers, (ii) an entitlement resource associated with at least one financial document, and (iii) an entitlement action associated with the entitlement subject and the entitlement resource, wherein the entitlement action indicates whether a content reader

associated with the entitlement subject can receive the financial document without being able to modify the financial document ;

before a content selection tag associated with a requesting content reader is determined, evaluate the entitlement rule in connection with a plurality of content readers to generate an entitlement vector comprising a series of values that indicate which of the content readers will be able to access information associated with the financial document;

determine the content selection tag associated with the requesting content reader;
and

arrange for the requesting content reader to receive information associated with the financial document based on the entitlement vector and a bit vector representing at least one of: (i) the document tag and a plurality of content selection tag sets, or (ii) a content selection tag set and a plurality of document tags.

29. The apparatus of claim 28, wherein said storage device further stores at least one of: (i) a document database, (ii) a content reader database, (iii) an entitlement rule database, or (iv) an output database.

30. The apparatus of claim 28, further comprising:

a communication device coupled to said processor and adapted to communicate with at least one of: (i) a content publishing device, (ii) a document storage device, (iii) a content controller, (iv) a content reader device, or (v) a payment device.

31. A medium storing instructions adapted to be executed by a processor to perform a method of facilitating access to financial documents, said method comprising:

receiving information associated with a financial document;

determining a document tag associated with the financial document based on the received information;

automatically analyzing financial content of the financial document to determine an appropriate entitlement rule, including; (i) an entitlement subject associated with a group of content readers, (ii) an entitlement resource associated with at least one financial document, and (iii) an entitlement action associated with the entitlement subject and the entitlement resource, wherein the entitlement action indicates whether a content reader associated with the entitlement subject can receive the financial document without being able to modify the financial document;

before a content selection tag associated with a requesting content reader is determined, evaluating the entitlement rule in connection with a plurality of content readers to generate an entitlement vector that indicates which of the content readers will be able to access information associated with the financial document;

determining the content selection tag associated with the requesting content reader; and

arranging for the requesting content reader to receive information associated with the financial document based on the entitlement vector and a bit vector representing at least one of: (i) the document tag and a plurality of content selection tag sets, or (ii) a content selection tag set and a plurality of document tags.

APPENDIX B - EVIDENCE

No evidence is submitted herewith (*i.e.*, this appendix is empty).

APPENDIX C - RELATED PROCEEDINGS

No other appeals or interferences are known to Applicants or Applicants' legal representative which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal. The present application has not been assigned to any other party.

Therefore, there are no copies of decisions rendered by a court or the Board to attach (*i.e.*, this appendix is empty).